Case 15-13004-NPO Doc 1 Filed 08/27/15 Entered 08/27/15 09:24:25 Desc Main

H1 (Official Form 1) (O4/13)	Document	Page 1 of 9				
UNITED STATES BANKRUPTCY COURT Northern District of Mississippi			VOLUNTARY PETITION			
Name of Debtor (if individual, enter Last, First, Middle): APPLEBERRY EUNIOF.	Name of Joint Debtor (Sporse) (Last, First, Middle)					
All Other Names used by the Dehter in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years tinelude married, minden, and trade names):					
Last four digits of Sec. Sec. or Individual-Laxpayer 1 D. (ITI) (if more than one, state all): 9570	Last four digits at Sec. Sec. or Individual-Laxpayer LD, (FTIN)X emplete FIN (if move than one, state all):					
Street Address of Debent (No. and Street, City, and State):	Street Address of Joint Dehtor (No. and Street, City, and State)					
405 HAMPTON STREET INDIANOLA, MS. 38751						
County of Residence or of the Principal Place of Business.	HKCOHN					
SUNFLOWER	County of Residence or of the Principal Place of Basiness.					
Mading Address of Debtor (if different from street address).		Mailing Address of Joint Debtor (if different from street address).				
	ATL CADE			ZIP CODE		
Location of Principal Assets of Business Debtor (if different t	rom street address above):					
Type of Debtor (Form of Organization)	Nature of	Business	ZIP CODE Chapter of Bankruptey Code Under Which			
(Check one bix.)	(Check one bive)		the Petition is Filed (C)	neck one boy 1		
Individual (includes Joint Ochtors)  See Exhibit D on page 2 of thin form  Corporation (includes LLC and LLP)  Partnership  Other (If debtor is not one of the above entities, check this box and state type of entity below.)			☐ Chapter 9 Re ☐ Chapter 11 Mi ☐ Chapter 12 ☐ Ch ☑ Chapter 13 Re	agree 18 Perthon for cognition of a Foreign im Proceeding agree 18 Perthon for cognition of a Foreign matta Proceeding		
Chapter 15 Debiors	[] (Ther					
Country of debase's center of main interests	Tax-Exem (Check box, if	pt Entity applicable )	Nature of Debts (Check one box.)			
bush country in which a foreign proceeding by, regarding, or against debtor is pending.	Debtor is a tax-ex- under tale 26 of d Code (the Internet	cript organization he United States (Resenue Code)	Debts are primarily consumer debts, defined in 11118 C. § 101(8) as "mounted by an individual primarily for a personal, family, or household purpose."	Debts are primarily business debts		
Fiting Fee (Check one box )		( ) and	Chapter 11 Debtors			
Full Filing Fee attached	ull Filing Fee attached			Check one bux:  Debtor is a small husriess deliter as defined in 11 U.S.C. § 101(\$1D)		
Fitting Fee to be paid in estallments (applicable to endivaduals only). Most attach signed application for the court's consideration certifying that the debtor is unable to pay for except in antiallments. Rule 1006(b). See Official Form 3A.    Debtor is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Object is not a small basiness debtor as defined in 11 U.S.C. § 101(51D)   Ob						
attach signed application for the court's consideration. See Official Form 3B						
	Check all applicable baxes:  A plan is being filed with this petition  Acceptances of the plan were solicited properties from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b)					
Statistical/Administrative Information				THIS SPACE IN FOR		
Debtor estimates that funds will be available for distribution to insecured creditors  Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.						
Estimated Sumber of Creditors				1 1 1 5 1		
1-49 50-99 10x-190 200-999 1,000- 5,000		]	50,601 (18e) 100,000 (100,000)	9:15 at kniptoy C f Mississip Clerk		
Estimated Assets	to \$50 to	9,000 004 \$100,000 \$100 to \$500 illian million	(2001 \$500,000,00) More than to \$1 billion	Filed S/21/WK at United States Benkruptcy Court Northern District of Mississippi David J. Puddister, Clerk		
Estimated Liabelities	10 \$50 In		(60) \$500,000,001 More than to \$1 billion	Filed_ United Northe David		

Case 15-13004-NPO Doc 1 Filed 08/27/15 Entered 08/27/15 09:24:25 Desc Main BI (Official Form 1) (04/13) Document Page 2 of 9 Voluntary Petition APPLEBERRY EUNICE (This page must be completed and filled in every case.) All Prior Bankroptey Cases Filed Within Last 8 Years (If more than two, astach additional sheet.) Location Northern District of Mississippi Lase Number 11-14332MPO Oute Filed. 09/20/2011 Where Filed: Lancetern Case Number. Date Filed Where Filed. Pending Bankruptey Case Filed by any Spause, Partner, or Affiliate of this Dehtar (It more then one, attach additional sheet ) Name of Dehror Case Number Date Filed District Relationship: hutee Exhibit A Exhibit B (To be completed if debtor is required to file periodic reports (e.g., forms 10K and (To be completed if debtor is an individual 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) whose debts are printially consumer debts.) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) I, the attorney for the peritioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of tale 11. United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b) Exhibit A is attached and made a part of this petition X Signature of Attorney for Debton(s) (Date) Exhibit C Does the debice own or have possession of any property that poses or is elleged to pose a threat of information and identificate have to public health or safety? Yes, and Exhibit C is attached and made a part of this petition Ø **Exhibit D** (To be completed by every individual debtor. It is portificed is filled, each spouse must complete and attach a separate Exhibit ().) Fixhibit D, completed and signed by the debtor, is attached and usade a part of this petition. If this is a joint petition: Exhibit D, also completed and signed by the point debtor, as attached and made a part of this petition. Information Regarding the Debtor - Venue (Cheek any applicable Nov.) ø Debtor has been domisciled or has had a residence, principal place of business, or peacepal assets in this District for 180 days immediately preceding the date of this persuon or fee a longer part of such 180 days than in any other District. There is a horskrapter case concerning debtor's affiliate, general partner, or partnership pending in this District Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of husiness or assets in the United States but is a defendant in an action or proceeding [in a federal or state count] in this District, or the interests of the parties will be served in regard to the relief sought in this District Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes) I amiliord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) (Name of landford that obtained judgment) (Address of landlord)

Debtor claims that under applicable nonbankruptcy law, there are oncumstances under which the debtor would be permitted to core the

Debtor has a cloded with this petition the deposit with the court of any rem that would become due during the 30-day period after the fitting

entire manietary default that gave rise to the judgment for possession, after the judgment for possession was entered, and

Debtor certifies that beishe has served the Landlord with this certification, (11 U.S.C. § 362(b))

L

of the petition.

Date

in preparing this document unless the bankruptcy petition preparer is not an irdividual.

If more then one person prepared this document, much additional sheets conforming to the appropriate official form for each person,

A bankruptcy petition preparer's father to comply with the provisions of title 11 and the Federal Rules of Banksupacy Procedure may result in fines or impresonment or both. 11 U.S.C. \$ 110, 18 U.S.C. \$ 156.

#### UNITED STATES BANKRUPTCY COURT

# NOTICE TO CONSUMER DEBTOR(S) UNDER §342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a joint case (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

#### 1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days <u>before</u> the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

#### 2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

Chapter 7: Liquidation (\$245 filing fee, \$75 administrative fee, \$15 trustee surcharge: Total fee \$335) Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, the United States trustee (or bankruptcy administrator), the trustee, or creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny

your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

## <u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$75 administrative fee: Total fee \$310)

Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

#### Chapter 11: Reorganization (\$1,167 filing fee, \$550 administrative fee: Total fee \$1,717)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (S200 filing fee, \$75 administrative fee: Total fee \$275)
Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

#### 3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptey Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptey case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptey Code, the Bankruptey Rules, and the local rules of the court. The documents and the deadlines for filing them are listed on Form B200, which is posted at <a href="http://www.uscourts.gov/bkforms/bankruptey\_forms.html#procedure">http://www.uscourts.gov/bkforms/bankruptey\_forms.html#procedure</a>.

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### UNITED STATES BANKRUPTCY COURT

Northern District of Mississippi

In re APPLEBERRY EUNICE Debtor	Case No.
Deotor	Chapter 13
	CE TO CONSUMER DEBTOR(S) HE BANKRUPTCY CODE
Certification of [Non-Attorned] I, the [non-attorney] bankruptcy petition preparer signing attached notice, as required by § 342(b) of the Bankruptcy Code.	ey  Bankruptcy Petition Preparer the debtor's petition, hereby certify that I delivered to the debtor the
Printed name and title, if any, of Bankruptcy Petition Preparer Address:	Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person, or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)
Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.	
Certification I (We), the debtor(s), affirm that I (we) have received and Code.	on of the Debtor read the attached notice, as required by § 342(b) of the Bankruptcy
APPLEBERRY EUNICE Printed Name(s) of Debtor(s)	X Lunice Applelierry 08/27/2015 Signature of Debtor  Date
Case No. (if known)	X
astructions: Attach a copy of Form B 201A, Notice to Con	sumer Debtor(s) Under § 342(b) of the Bankruptcy Code.

Use this form to certify that the debtor has received the notice required by 11 U.S.C. § 342(b) only if the certification has NOT been made on the Voluntary Petition, Official Form B1. Exhibit B on page 2 of Form B1 contains a certification by the debtor's attorney that the attorney has given the notice to the debtor. The Declarations made by debtors and bankruptcy petition preparers on page 3 of Form B1 also include this certification.

B 1D (Official Form 1, Exhibit D) (12/09)

#### UNITED STATES BANKRUPTCY COURT

Northern District of Mississippi

In re APPLEBERRY EUNICE	 Case No.
Debtor	(if known)

### EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days before the filing of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- In 2. Within the 180 days before the filing of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.

B ID (Official Form I, Exh. D) (12/09) - Cont.

Page 2

3.1 certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.]

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

- 1 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]
  - ☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);
  - □ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);
    - Active military duty in a military combat zone.
- \$\Pi\$ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: Lunice Appleberry
Date: 08/27/2015

**MAILING MATREX** 

EUNICE APPLEBERRY 405 HAMPTON STREET INDIANOLA, MS. 38751

SELENE FINANCE 400 RICHMOND AVENUE HOUSTON, TX. 77042